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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,988	02/21/2006	Hans-Peter Krauss	AG012	1783
53203 7590 02/05/2008 CONTINENTAL TEVES, INC. ONE CONTINENTAL DRIVE AUBURN HILLS, MI 48326-1581				
EXAMINER SY, MARIANO ONG				
ART UNIT		PAPER NUMBER		
3683				
MAIL DATE		DELIVERY MODE		
02/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,988

Applicant(s)

KRAUSS, HANS-PETER

Examiner

MARIANO SY

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on November 27, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on November 29, 2007 has been received.
2. Claims 5 and 6 are objected to because of the following informalities:
Claim 5, line 1 "5. (New)" should be --5. (Original)--,
Claim 6, line 1 "6. (New)" should be --6. (Original)--.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gold (US 4,742,996) in view of Gold et al. (US 2004/0130079) and in view of Wallis (US 4,154,434).

Re-claim 5 Gold disclosed, as shown in fig. 1-2, a pneumatic spring/ damper unit comprising a cylinder housing 12, a separator piston 14 dividing the interior of the housing into a first damper space 24 and a second damper space 26, a piston rod 16, and a rolling bellows 18 being fastened in between the projecting piston rod and the housing, the rolling bellows forming a spring space. The spring space, the first damper

Art Unit: 3683

space, and the second damper space are being combined by means of elliptical aperture 38 and throttles 28, 30.

However Gold failed to disclose the spring space and the first damper space being combined by means of ducts in the piston rod into a common spring/damper space, and the second damper space being connected by means of overflow throttles, wherein the throttles are arranged in the cylinder housing between the second damper space and the spring space.

Gold et al. '079 teaches a gas spring damper unit, as shown in fig. 1-2, a spring space 12 and first damper space 8 being combined by means of ducts 13, 32 in the piston rod 6 into a common spring/damper space.

Wallis '434 teaches, as shown in fig. 1-2, overflow throttles 62 arranged in the cylinder housing 16.

It would have been obvious to one of ordinary skill in the art to modify the spring/damper unit of Gold with the known ducts in the piston rod, as taught by Gold et al. and with overflow throttles arranged in the cylinder housing between the second damper space and the spring space, as taught by Wallis, in order to minimize shocks and vibrations to the body of the vehicle.

Re-claim 6 Gold disclosed, as shown in fig. 1-2, wherein the cylinder housing has an open connecting duct 38 in the region between the second damper space and the spring space.

However Gold failed to disclose the overflow throttles are arranged in a valve insert which is fixedly located in the cylinder housing.

Wallis teaches, as shown in fig. 1-2, the cylinder housing has an open connecting duct 62 on cap 48 in the region between the second damper space and the spring space, and overflow throttles 62 are arranged in a valve insert 42 which is fixedly located in the cylinder housing.

It would have been obvious to one of ordinary skill in the art to modify the spring/damper unit of Gold with the known cylinder housing having an open connecting duct in the region between the second damper space and the spring space, and overflow throttles are arranged in a valve insert which is fixedly located in the cylinder housing, as taught by Wallis, as a matter of design choice in order to control the compression and rebound of the spring/damper unit of the vehicle so as to minimize shocks and vibrations to the vehicle.

Response to Arguments

5. Applicant's arguments filed on November 29, 2007 have been fully considered but they are not persuasive.

Applicant argued in the Remarks that "The openings bearing reference numeral 62 are called "passageways" in the Wallis (US 4,154,434) document"; "Wallis does not teach to arrange a throttle between the spring space and the second damping chamber". Examiner maintains that the passageways 62, as shown in fig. 2 of Wallis, are readable as overflow throttles. Since the word "throttle" is relatively broad, it can be read as a small opening that restrict the flow of fluid.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3683

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. S./

Examiner, Art Unit 3683

January 22, 2008

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3683